1 Honorable John H. Chun 2 3 4 UNITED STATES DISTRICT COURT 5 WESTERN DISTRICT OF WASHINGTON AT SEATTLE 6 7 ELLIJAH SAM, No. 2:21-cv-01363-JHC 8 Plaintiff, ORDER AFFIRMING THE DECISION 9 OF THE ADMINISTRATIVE LAW 10 **JUDGE** v. 11 RENTON SCHOOL DISTRICT, 12 Defendant. 13 14 This matter comes before the Court on pro se Plaintiff's appeal from an administrative 15 law judge's decision. Dkt. ## 4 & 8. The Court has considered the parties' briefing, Dkt. ## 72, 16 74, 75 & 76, as well as the administrative record from the underlying proceeding, Dkt. # 51. The 17 Court's decision is based solely on the administrative record developed below and the applicable 18 law. Being fully advised, the Court AFFIRMS decision of the Administrative Law Judge and 19 DISMISSES the appeal. 20 The Court further CONCLUDES as follows: 21 22 1. This Court has jurisdiction over this matter pursuant to the Individuals with 23 Disabilities Education Act, 20 U.S.C. § 1415. 24 2. The ALJ's decision was thorough and careful and warrants this Court's deference 25 under Capistrano Unified Sch. Dist. v. Wartenberg, 59 F.3d 884, 891 (9th Cir. 1995) and Union 26 Sch. Dist. v. Smith, 15 F.3d 1519, 1524 (9th Cir. 1994). 27 ORDER AFFIRMING THE DECISION OF THE ADMINISTRATIVE LAW JUDGE - 1 Cause No. 2:21-cv-01363-JHC

- 3. Plaintiff does not challenge the majority of the issues the ALJ decided in the administrative due process decision and has waived these arguments on appeal. *Cf. Koerner v. Grigas*, 328 F.3d 1039, 1048 (9th Cir. 2003). Thus, these aspects of the ALJ's decision are not properly before this Court on appeal and not subject to reversal.
- 4. The sole issue Plaintiff raises with respect to the ALJ's decision is that the ALJ failed to award Student an appropriate remedy as a result of the single IDEA procedural violation found. The award of remedies is subject to review for an abuse of discretion. *Park v. Anaheim Union High Sch. Dist.*, 464 F.3d 1025, 1033 (9th Cir. 2006). Plaintiff has failed to identify any abuse of discretion by the ALJ in resolving this issue. The ALJ's remedy award is upheld.
- 5. Plaintiff seeks monetary damages against the District as well as unnamed individual District staff. Plaintiff failed to name any individual defendants in this action.

 Monetary damages are also not appropriate or cognizable under the IDEA. *Witte v. Clark Cty. Sch. Dist.*, 197 F.3d 1271, 1275 (9th Cir. 1999), *overruled on other grounds by Payne v. Peninsula Sch. Dist.*, 653 F.3d 863 (9th Cir. 2011). Plaintiff's request for damages is denied.
- 6. Plaintiff's remaining claims for relief were not properly raised before the ALJ or before this Court and are denied.
- 7. All of Plaintiff's remaining arguments are rejected and the ALJ's decision on review is upheld in its entirety.

DATED this 19th day of December, 2022.

JOHN H. CHUN

UNITED STATES DISTRICT COURT JUDGE

The A. Chun

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